

REMARKS

Claims 17-20 were previously withdrawn from further consideration in this application as being drawn to the non-elected invention under previous restriction requirement. These claims are being retained in this application, unexamined, pending allowance of a generic or linking claim.

The claims 11 and 14 have been amended in consideration of the Examiner's prior comments in order to define the elements more specifically. As amended, these claims are now submitted to define this invention with sufficient particularity and distinctiveness to be patentable to applicant.

Claims 1-6 and 11-16 have been amended merely to recite more specifically the structure that is inherently defined thereby, including "a second lumen having an open distal end positioned intermediate the proximal and distal ends of the first lumen for housing a surgical instrument therein to protrude from the open distal end for performing surgical procedures on tissue viewed through the transparent tip". In addition, the dependent claims are further restricted by specific recitations of configurations of the second lumen to accommodate surgical scissors, or other surgical instruments capable of protruding from the open distal end of the second lumen that is located proximal the distal end of the first lumen. Also, these dependent claims variously specify surgical instruments disposed within the second lumen in the defined structure of the elongated cannula.

These aspects of the claimed invention facilitate manipulation of surgical instruments through the open distal end of the second lumen of the cannula within the field of endoscopic visualization through the transparent tip at the distal end of the first lumen.

These aspects of the claimed invention are not shown or even suggested by the cited art including Scwemberger et al '292 which merely relies upon a transparent tip having cutting blades thereon to penetrate tissue. The Examiner correctly observed previously that the open distal end of the second lumen appears from the drawings to be positioned intermediate the proximal and distal ends of the first lumen. However, applicant finds no hint or suggestion in this reference or other cited references of extending another surgical instrument through an open distal end, or even accommodating another surgical instrument within a second lumen (other than the body containing a first lumen), to be manipulated within the field of visualization through the transparent tip, in the manner as claimed by applicant. At best, Scwemberger et al. '292 merely houses the body (containing a first lumen) within a second lumen that ends at the open distal end thereof, which is proximal the tip on the first lumen. This reference and the other references previously cited are therefore deficient of disclosure of applicant's invention as now specifically claimed. It is therefore respectfully submitted that claims 1-6 and 11-16 as amended herein are now patentably distinguishable over the cited art.

The dependent claims 7-10 are further limited, for example, by the specific recitations of “a flexible hood having an open proximal end coupled to the distal end of the second lumen and operable in a transition orientation responsive to a surgical instrument being retracted within the second lumen proximally from the transparent tip, and in an expanded orientation in response to extension therethrough of a surgical instrument projecting forward from the open distal end of the second lumen”. In addition, these dependent claims also distinctly define the characteristics and positioning of the hood.

These aspects of the claimed invention are not shown or even suggested by the references previously cited including Scwemberger et al. ‘292 and Wilk et al. ‘586 considered in any combination. Specifically, the disclosure of Scwemberger et al ‘292 is deficient, as discussed in the above remarks, regarding no second instrument in another lumen having an open distal end proximal the transparent tip at the end of the first lumen, and is deficient regarding any configuration of a flexible hood at such open distal end. And Wilk et al ‘586 does not disclose any such first and second lumens as claimed, with any configuration of a flexible hood over a second one of such lumens. At best, this reference is understood to cover the entire distal end of the body with an elastic membrane that then is shaped and secured about a single shaft which penetrates the membrane. There is no instruction or motivation found in these cited references for combining the disclosures to yield a tapered transparent tip at a distal end of a first lumen with a

second instrument lumen having an open distal end covered by a flexible hood. It is therefore respectfully submitted that the dependent claims 7-10 are also patentably distinguishable over the cited art.

Favorable consideration of claims 1-16 is solicited.

Respectfully submitted,
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Dated: 5/28/03

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